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LEGISLATIVE REPORTING IN THE
UNITED STATES DEPARTMENT OF AGRICULTURE

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(This draft was part of a 1962 thesis by Carl R. Sapp
for the M. A. degree at the American University)

THE HISTORY OF THE CITY OF BOSTON

FROM 1630 TO 1800

The city of Boston, situated on a peninsula in the State of Massachusetts, was first settled in 1630 by a group of Puritan settlers. The city grew rapidly, becoming one of the most important centers of commerce and industry in the New England region. In 1773, the city was the site of the Boston Tea Party, a significant event in the American Revolution. The city continued to grow and develop, becoming a major center of education and culture. In 1800, the city was still a small town, but it was already showing signs of becoming a major metropolis.

THE HISTORY OF THE
CITY OF BOSTON

INTRODUCTION

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"Legislative reporting" is still such an infant in the family of public administration functions that there is no general agreement as to the meaning of the term. For the purpose of this thesis legislative reporting may be defined as the formulation and presentation of official recommendations regarding legislative proposals other than appropriation estimates, either to the Congress or within the Executive Branch.

Although legislative reporting in one sense or another has been performed since the beginning of the United States Government, this activity has gained general recognition as a distinct process only within the last couple of generations. For the most part, the procedures for legislative reporting have "just grown like topsy" and vary considerably from department to department. In most governmental agencies the legislative reporting practices bear the personality stamp of particular individuals who have held office in those organizations. The United States Department of Agriculture is no exception.

Most of the writings in this field have been directed largely to the philosophy of legislative reporting and have not come to real grips with the specific administrative procedures involved in the process. Yet these procedures are important for two reasons: First, they determine to a considerable extent whether the function, as carried out in a particular government agency, is of real significance in the legislative process. Second, as legislative proposals become more and more numerous, the function deserves procedural study from the standpoint of paperwork management.

Although desiring to prepare a thesis dealing with legislative reporting procedures in general, this writer found that the subject was too extensive for the present purpose. The broader subject may be used later for a doctoral dissertation. The current effort will be focused on the operations of a specific department--Agriculture. Moreover, in order to keep this thesis within reasonable limits, the writer will deal only with written reports and will not consider the processing of testimony that is presented to congressional committees. It is hoped that this limited analysis will be of general use to persons and groups interested in legislative reporting from the standpoint of political science and public administration.

The primary source materials for this thesis were the correspondence files of the Secretary's Records Section and the files of the Division of Legislative Reporting, Office of Budget and Finance, both of the United States Department of Agriculture. These materials were vital to the making of the study. Regular literature in the field of legislative reporting was of secondary importance in the study, since the amount of such literature is small and very little of it discusses the work of the Department of Agriculture.

Chapter II of this thesis traces the development of the legislative reporting function in the Department of Agriculture. It shows how the nature of the work has been influenced by the types of programs, the personalities involved, and general relationships.

Chapter III explains and analyzes the division of the legislative reporting function among the Secretary's immediate office, the Office of Budget and Finance, the Office of the General Counsel, and the other offices and agencies of the Department.

Chapter IV explains and evaluates the relationships between the Department and the Bureau of the Budget regarding the procedure for clearance of proposed legislative reports. It analyzes the relationships of the Department with other Federal agencies in the coordination of viewpoints on legislative proposals. It describes and evaluates the relationships of the Department with the congressional committee

staffs and members in connection with submitting and following up on legislative recommendations.

Chapter V describes the procedures by which the Department officials are given information on legislative developments in the Congress. It shows how the legislative information service is utilized in connection with the legislative reporting function.

Chapter VI summarizes the findings regarding the existing legislative reporting system. It makes recommendations for improvements in the system and sets forth areas in which further research is needed.

CHAPTER II

HISTORICAL DEVELOPMENT OF THE FUNCTION

It would be inadvisable to attempt an objective study of legislative reporting in the Department of Agriculture without first considering how the function originated and developed, since the history of this work bears particularly upon the way in which it is being carried out.

I. EARLY HISTORY

For many years legislative reports from the Department were handled as regular correspondence without the application of any special procedures. Shortly after enactment of the Budget and Accounting Act, the Bureau of the Budget upset this pattern by issuing a circular requiring that legislative reports to the Congress be submitted to the Bureau of the Budget for advance review if the reports requested or recommended legislation "the effect of which would be to create a charge upon the public Treasury or commit the Government to obligations which would later require appropriations to meet them."¹ Since this order related directly to budgetary matters, its implementation within the Department of Agriculture was assigned to W. A. Jump, who had been selected as the Department's first Budget Officer pursuant to a requirement of the Budget and Accounting Act.

It was Mr. Jump's responsibility to review all legislative reports before their signature by the Secretary, to see that they were cleared with the appropriate bureaus of the Department, to ascertain that the reports were in accordance with the budgetary and general policy of the Department, and to insure that they were clear, accurate, complete, and considerate in approach. If the reports met these criteria, Mr. Jump sent them to the Bureau of the Budget for clearance before arranging for the Secretary of Agriculture to sign them. If they did not meet these criteria, Mr. Jump was responsible for rewriting them, arranging for their revision, or presenting them to the Secretary's immediate office with appropriate recommendations.

The primary responsibility for drafting legislative reports was lodged with the constituent agencies of the Department. Mr. Jump's responsibility was of a coordinating, facilitating, reviewing nature. Such an arrangement was adopted for two reasons: First, the Department was a multi-purpose institution sometimes referred to as a "holding" agency with considerable freedom of action being delegated to the constituent agencies. Second, Mr. Jump had neither the time nor the personal desire to draft legislative reports centrally.²

The coverage of the legislative clearance requirement was gradually broadened, by both the Bureau of the Budget and the National Emergency Council, until it eventually applied to unfavorable as well as favorable reports, private as well as public bills, and proposals not affecting the Budget as well as those affecting the Budget.³ Particularly with the advent of the New Deal, the number of bills introduced increased tremendously, and the total volume of legislative reports from the Department of Agriculture multiplied several fold. A large portion of the bills did not

involve matters of major policy, demanding intensive review by the Secretary, but rather related to the administration of policies already decided by the Congress in a general way. Since the reports were so numerous and related to so many different and often unrelated phases of the farm program, it became more and more apparent that coordination and more adequate review were necessary if the interests of the Department and its satisfactory relationships with the Bureau of the Budget and the Congress were to be maintained.

II. ESTABLISHMENT AND DEVELOPMENT OF A COORDINATING UNIT

As an increasing number of policy questions arose in connection with legislative reports, Mr. Jump worked more and more closely with the Secretary's immediate office, particularly Paul H. Appleby, the Under Secretary of Agriculture. Mr. Appleby appointed an assistant to help in handling this function. Mr. Jump also had an assistant who worked on legislative reports and provided a related legislative information service.

A need gradually became evident for a new congressional reporting unit to coordinate the review and clearance of legislative reports, to keep the Department officials informed on legislative actions, and to perform related services, relieving Messrs. Appleby and Jump of many of the matters they were handling personally.

In 1940 a study of this matter was made by David S. Brown (now Professor of Public Administration at the George Washington University) and Carl R. Sapp (now Chief, Division of Legislative Reporting, Office of Budget and Finance, United States Department of Agriculture). This report recommended that a separate section for legislative reporting work be established in the Division of Estimates and Allotments, Office of Budget and Finance. Explaining why the unit should be located in that Division, the report stated:

A modern departmental budget office is vitally concerned with the program of work of that department, and legislation has a direct relation to the department's expenditures, since practically all of it either authorizes appropriations, makes appropriations, or affects in some way the method of expenditure of appropriations already made. Legislation is closely connected with the program of a department, and thus with the budget. It is believed that this legislative field could be more closely coordinated with the estimates division, which also includes the uniform projects system. This situation has been recognized by the President, who has located the new Legislative Reference Division, which coordinates legislative reports for the entire Government, in the Budget Bureau rather than in Justice or the White House.⁴

Messrs. Appleby and Jump reviewed this report and adopted the recommendation. In 1941 a "Legislative Coordination Section" was created in the Division of Estimates and Allotments with Mr. Appleby's former assistant as Chief and Mr. Jump's former assistant as Assistant Chief.⁵ Later the name of this unit was informally changed to the "Legislative Reports and Service Section."

Experience indicated that too wide a scope of activity had been assigned to the Division of Estimates and Allotments. In 1947 the legislative reporting unit was made a separate division in the Office of Budget and Finance with Carl R. Sapp as Chief. It is now called the "Division of Legislative Reporting."

The Division was established with a total staff of six employees. Mr. Jump admonished Mr. Sapp that the Division should be kept small. He predicted that, if additional employees were added from time to time, the Division would tend to carry out its functions on an increasingly centralized basis with more and more of the work of the constituent agencies being done by the central staff. Mr. Jump felt that such a centralized facility would be unwise from a policy standpoint and that

it would tend to generate a great deal of "red tape" and lost motion. On the other hand, he was of the opinion that a small legislative reporting unit would, of necessity, leave a large portion of the legislative reporting work to the constituent agencies, which were more familiar with the specific programs involved, and that, thus avoiding a mass of operational work, the Division could maintain an overall, summarized view of legislative reporting which would make its staff of greater service to the policy officials of the Department. It is interesting to note that, after thirteen years, the Division still has only six employees although the volume of legislative reports has more than doubled, going from a bit over 300 to almost 800 annually. However, the operations of the Division have been streamlined and made more efficient over the years, so that much more work is now done by six employees than was the case in 1947.

In 1955 a separate congressional liaison officer was appointed in the Secretary's immediate office. Although his work related somewhat to legislative reporting, it did not affect the duties of the Division of Legislative Reporting. That Division's work related mostly to the handling of legislative reports up to the point of consideration by congressional committees. The new liaison officer, among other things, helped to facilitate consideration of the recommendations in the Congress after their submission. The present administration has continued the employment of a special liaison officer. This matter will be discussed more fully in Chapter III.

Other aspects of legislative reporting have not been discussed in this chapter since they did not change significantly during the developmental period.

¹Bureau of the Budget Circular No. 49, December 19, 1921.

²These reasons were related to the writer by Mr. Jump in personal conversations.

³Richard E. Neustadt, "Presidency and Legislation: The Growth of Central Clearance," The American Political Science Review, September, 1954, Vol. XLVIII, No. 3.

⁴An unpublished report, Study on Legislative-Reports Procedure, 1940, on file in the Division of Legislative Reporting, Office of Budget and Finance, United States Department of Agriculture.

⁵This action was taken through allocation of personnel; there was no written announcement of the action.

CHAPTER III

WORK OF THE DEPARTMENTAL STAFF OFFICES AND AGENCIES

Several entities within the Department of Agriculture have roles to play in the legislative reporting process. They work together in the development and submission of the finished reports.

I. THE SECRETARY OF AGRICULTURE

The Secretary of Agriculture is, of course, the key person in the legislative reporting process of the Department. All legislative recommendations from the Department are submitted by or for him. He determines the policies which are expressed in the reports. In many cases his reputation at the Capitol is a factor in determining the fate of a bill. For example, during debate on a bill to transfer fur-animal research from the Department of the Interior to the Department of Agriculture, it was pointed out that Secretary of Agriculture Anderson, formerly a member of the House of Representatives, was "a capable and able gentleman who will . . . assume the additional duties in a manner satisfactory . . ." ¹ On the other hand, one of the factors behind rejection of Secretary Brannan's recommendations for additional powers to reorganize the Department of Agriculture in 1950 was the suspicion which various members of the Congress had developed toward him. ²

Yet even the Secretary is not a free agent in the making of legislative recommendations. His legislative reports are not only personal recommendations from him as an individual, but they are also reports from the Department of Agriculture as an institution. For example, in 1945 Secretary Anderson signed a report opposing proposed legislation for which he had previously voted as a member of the House of Representatives; and in this report he stated that his comments were an expression of a position which had been held by the Department of Agriculture over a period of years, even though those comments did not represent his personal views.³ While Henry A. Wallace was Secretary of Agriculture a major official of the Bureau of the Budget requested, during hearings on the budget estimates, that the Secretary take positive steps to obtain the enactment of legislation which the Secretary personally opposed but which the Bureau of the Budget had stated was "in accord with the program of the President."⁴

Mr. Wallace has explained some of the limiting factors in connection with the Secretary's legislative recommendations as follows:

I found what every Secretary of Agriculture knows, that I had to reckon with the Bureau of the Budget, with the Secretary of State, with the Secretary of the Treasury, with the House and Senate Committees on Agriculture and the House and Senate sub-committees on agricultural appropriations. And above all there was the need for loyalty to the President's over-all program. A Secretary soon discovers that Senators and Congressmen often sympathize much more with high pressure, special interest groups, than with the President's program as set forth in either legislative requests or budget askings. Sometimes there is discord even in the Cabinet family.⁵

From a practical standpoint the Secretary of Agriculture is also limited by the current trend toward fewer and fewer farmers. If his recommendations are to bear fruit, he must take this factor into consideration in determining how much and what legislation to ask for. This point is set forth clearly in the following statement by Representative Whitten, Chairman of the Agricultural Subcommittee of the House Committee on Appropriations:

Interest in and understanding of agricultural problems is decreasing as our rural population declines and our young people turn to other occupations and ways of life. Last year, of 411,437 students attending those colleges and universities teaching agriculture, only 31,722 were enrolled in the agriculture departments. . . With only twelve people out of a hundred now on the farm, . . . there will be few legislators in the next generation who have any knowledge of agriculture; and the voice of Agriculture in the Halls of Congress will indeed be weak.⁶

Another limitation on the Secretary's ability to determine his legislative recommendations is the sheer volume of work, which makes it impossible for him personally to formulate recommendations in all cases. About 800 legislative reports a year are submitted by the Department of Agriculture. A large percentage of these reports, especially those submitted to the Bureau of the Budget, are signed by the Under Secretary or an Assistant Secretary. Because of the volume of work, the Secretary must depend upon his staff to analyze problems and formulate drafts of recommendations which he may consider.

II. OFFICE OF BUDGET AND FINANCE

The Division of Legislative Reporting, Office of Budget and Finance, arranges for drafts of legislative reports and recommendations to be prepared by the appropriate constituent agencies of the Department; sees that the legislative reports are reviewed by all agencies and officials involved; makes or suggests appropriate changes;

and arranges for clearance of the reports with the Bureau of the Budget before they are signed by the Secretary or his alternate. Similar work is performed in connection with legislative proposals that originate in the Department and are sent to the Congress for consideration. After bills relating to the Department have been passed by the Congress, reports from the Department to the Bureau of the Budget making recommendations concerning Presidential action on the enrolled bills are handled in a similar manner. In a few cases, particularly those involving more than one agency's functions, the Division of Legislative Reporting drafts the legislative reports, usually on the basis of memoranda received from the interested agencies.

When a congressional request for a legislative report is received by the Secretary's Records Section (the mail room), the request is sent to the Division of Legislative Reporting for handling. That Division sends an acknowledgment letter to the requesting officer when appropriate, then assigns the request to the applicable agency or official to draft a legislative report in accordance with the procedural requirements issued by the Office of Budget and Finance. When the proposed report is received in the Division of Legislative Reporting, it is reviewed, then cleared with the other constituent agencies concerned, the Office of the General Counsel, and any other interested departmental staff offices.

The report is then referred to one of the three Program Analysts in the Office of Budget and Finance, who are specialists on assigned programs. One of these Analysts deals primarily with stabilization and marketing matters, one with research and credit, and one with forestry and conservation. These Analysts also review budget estimates and other proposals that are within the purview of the Office of Budget and Finance.

In some cases the reports are also referred to other divisions of the Office of Budget and Finance for analysis. For example, a legislative report to set up a "working capital fund" would be reviewed by the Division of Accounting.

Where a disagreement arises, the Division of Legislative Reporting usually assists in resolving the matter or arranging for it to be resolved by appropriate officials.

Following the review described above, the Division of Legislative Reporting obtains the review and approval of the Director of Finance and Budget Officer (a combined title of one person) before submitting the report to the Secretary's Office. In most cases the reports are cleared with the appropriate Assistant Secretary or other comparable official and the Under Secretary, who has congressional relationships as one of his primary areas of general responsibility, before being sent to the Bureau of the Budget for clearance.

The Division of Legislative Reporting also coordinates preparation of the Department's annual legislative program which is submitted to the Bureau of the Budget in connection with the regular budget estimates.⁷ A draft of the program is compiled, largely on the basis of determinations recommended by the constituent agencies and appropriate officials of the Department. These items are reviewed by the persons and units discussed above. The Office of Budget and Finance, through meetings of the Director of Finance and the Chief of the Division of Legislative Reporting with the Secretary's immediate staff or otherwise, presents the legislative program for approval within the Department.

A definite and important phase of the legislative reporting work of the Office of Budget and Finance is the analysis of the legislative proposals and reports from the standpoint of cost and other budgetary and related aspects. The cost analysis is required by the Bureau of the Budget's regulations on legislative clearance. Each item of the Department's legislative program must indicate whether it would cost money and, if so, the amount. This program is given special review from the budgetary standpoint. The Bureau of the Budget's circular on this matter requires that the legislative program include the following information: "An estimate of

(1) any appropriations which would be required during each of the first five years, (2) any savings in appropriations, (3) any changes in budget receipts, or (4) any changes in the receipts or expenditures of a trust fund or a special fund."⁸ Similar information must be included in legislative reports on individual proposals.

The Division of Legislative Reporting spends most of its time doing a staff job which requires considerable specialized, technical knowledge but does not include the type of policy-review and congressional-contact work which is carried on by the Secretary's immediate office, although the Division does provide much of the information that is used by the Secretary's Office in such work. The Division of Legislative Reporting has the primary responsibility for seeing that Chapter 7 (entitled "Legislative Reporting") of Title 6 (entitled "Budget") of the Department's Administrative Regulations is carried out.

In carrying out its responsibilities the Division of Legislative Reporting provides various specific services, including the following:

- (1) Keeps central, departmental records on legislative reports which are pending and those which are submitted by the Department to the Congress and the Bureau of the Budget.
- (2) Advises and assists agencies of the Department, upon request, in preparing legislative reports.
- (3) Rewrites drafts of legislative reports when appropriate.
- (4) Drafts legislative reports in cases applying to several areas of work, usually upon the basis of comments received from the constituent agencies.
- (5) Makes recommendations to the Department Budget Officer, constituent agencies, and the Secretary's Office regarding possible changes in legislative reports.
- (6) Assists in resolving differences of opinion between agencies in connection with legislative reports.
- (7) Follows up on delays in the submission of legislative reports, and keeps the Secretary's Office advised of such delays through written statements and personal conversations.
- (8) Acts as a contact point for oral requests from the Bureau of the Budget and congressional committees in connection with legislative reporting.
- (9) Checks or arranges for checking of bills reported by committee, when the Department has not been asked to report on them, to ascertain whether a voluntary report should be made.
- (10) Furnishes directly to the Secretary and his immediate staff a daily list of requests received for legislative reports, including information as to the agencies to which the requests were assigned or other manner of handling the requests.
- (11) Calls the attention of the Secretary's Office and others to statements in proposed legislative reports which may be controversial and should be reviewed with particular care.
- (12) Calls the attention of appropriate officials to previous recommendations of the Department when those recommendations appear to be different from statements in proposed legislative reports.
- (13) Assists in handling departmental communications which initiate legislative proposals for the consideration of the Congress. Keeps an index to such proposals and

cross references them with any resulting bills.

(14) Assists the Secretary's Records Section in locating the correspondence files on legislative reports when the person making the request does not know the number of the bill involved nor the date nor addressee of the report.

(15) Conducts research on past recommendations from the Department regarding various subjects.

In order to convey an understanding of how the Office of Budget and Finance coordinates legislative reports within the Department, a specific example may be helpful.⁹

In 1945 a bill was introduced under which the Department of Agriculture would support a price of 28 cents per pound to the growers and processors of guayule rubber until 1956.¹⁰ Such rubber was an important source of natural rubber during World War II, when rubber was in short supply.

The Bureau of the Budget received from the Department of State a proposed adverse report on this bill and, before advising that Department concerning the relationship of the bill to the President's program, requested the comments of the Department of Agriculture on the legislative proposal.

Several of the responsibilities of the Department of Agriculture were involved in the consideration of the bill. The Forest Service was interested because of its operation of the then existing project whereby guayule rubber was being produced by the Government to alleviate the rubber shortage. The Office of Foreign Agricultural Relations was involved because of the implications of the bill upon foreign trade in agricultural commodities. The Office of Price was concerned since it had responsibility for considering what prices would be fair for agricultural products. Since the Commodity Credit Corporation would probably be the agency which would make the funds available to support the price of guayule rubber, it was interested. The Agricultural Research Administration would be involved to some extent because of the research activities which it carried out in connection with the Emergency Rubber Project and because it would have responsibility for advising farmers concerning the method of growing the shrub and of providing information to processors regarding the prices of rubber.

Because of the interrelationships of the various programs concerned, the Chief of the Legislative Reports and Service Section, in collaboration with the appropriate Program Analyst in the Office of Budget and Finance, arranged a meeting of the various interested agencies and an Assistant to the Secretary to consider the proposed legislation in a general way and to determine who should prepare the initial draft of a legislative report on the bill. It was decided that the Forest Service should prepare the first draft of the report for the consideration of the Office of Budget and Finance and the other interested entities.

The draft prepared by the Forest Service was distinctly favorable to the proposed legislation. This draft stated that the production of guayule rubber was desirable as a national security measure and that the policy of the Department was to support the introduction of new crops which could be grown beneficially in the United States. It suggested, however, that it would be preferable for the guaranteed price to be flexible below the 28-cent ceiling so that the price might be kept in reasonable relation to production costs.

The Office of Foreign Agricultural Relations sent a memorandum to the Office of Budget and Finance criticizing the Forest Service draft and stating that (1) supporting the price of guayule would constitute a precedent which might make it difficult for the Government to refuse to support the price of any other agricultural product and (2) the Government would obtain more for its money by stimulating the production of rubber in the American tropics which in case of war would be

included in our defense zone. That Office took the position that the Department's activities in regard to guayule rubber should be limited to experimental work and that, if guayule production were to be subsidized, it should be done through a direct appropriation from the Treasury.

The Office of Price recommended that the Secretary of Agriculture endorse the Department of State's proposed report and that during the immediate post-war period the activities of the Department of Agriculture regarding guayule rubber be limited to research looking to a possible expansion in other directions if the need were to arise.

The Agricultural Research Administration took no specific position regarding possible support of the price of guayule but stated that the important consideration at the moment was that of finding a means of establishing the feasibility of farm production of guayule if this country were to have to produce it as a source of rubber.

The Commodity Credit Corporation also replied in opposition to the bill.

The Chief of the Legislative Reports and Service Section and the appropriate Program Analyst, Office of Budget and Finance, then collaborated in drafting a proposed revision of the legislative report upon the basis of the remarks of the various agencies. The proposed revision took no position with regard to the possible need for this legislation from a national security standpoint but pointed out that such comments should be made by those responsible for the rubber program nationally and internationally. It recommended that, if such legislation were to be passed, direct subsidy features be substituted for price support benefits in the usual sense, since this procedure would avoid pegging the price of all rubber for a 10-year period and would thereby simplify the administration of rubber imports. It agreed that in the post-war period there would be sections in the United States where the introduction of new crops might be needed to maintain the agricultural economy, but stated that generally new crops should not be introduced on a large scale until it had been determined whether they could be profitably grown by farmers. The report stated that there were large possibilities for increasing production through research and recommended provisions for further exploration of the possibilities of profitably growing guayule in the United States, on a limited subsidy basis. It also stated that, if the shrub could be grown profitably, it should stand on its own feet with no permanent subsidy or price support.

On the basis of the minor changes suggested by the interested agencies, the Office of Budget and Finance prepared a further revision of the report and discussed it with the Assistant to the Secretary. The report was subsequently signed by the Secretary and submitted to the Bureau of the Budget.

III. OFFICE OF THE GENERAL COUNSEL

A vital part of the legislative reporting function is performed by the Office of the General Counsel. Normally all of the Department's drafting of legislative language is done by the attorneys in that office. The attorneys also review drafts of legislative reports to see that the legislative language of the bills is adequate, to analyze any amendments which may be proposed in the reports, and to insure that the reports do not include statements which might cause legal difficulties for the Department. In some cases the program officials consult with attorneys in the Office of the General Counsel before drafting legislative reports. In a few cases, particularly those involving special difficulties from the legal standpoint, the Office actually drafts the reports.

The General Counsel and his staff are also frequently used by the Secretary for special liaison work with the Congress. This is particularly true in cases where the Office of the General Counsel does extensive legislative drafting, as in the case of the proposed "Agricultural Act of 1961." Over the years the extent to

which the General Counsel has been used for this type of activity has depended to a considerable extent upon the background and interests of the individuals who have served as General Counsel.

There is no separate legislative unit in the Office of the General Counsel. The Office is organized on a subject-matter basis. For example, the attorneys of the Forestry Division work on all legal matters relating to forestry, including legislative reports. The attorneys work directly with the Division of Legislative Reporting, Office of Budget and Finance, in appropriate cases. It appears that their contacts with that Division are of the same nature and frequency as would be the case if the Division of Legislative Reporting were located in the Office of the General Counsel. That Division tries to refrain from making determinations relating to the responsibilities of the Office of the General Counsel. The relationships between the Office of the General Counsel and the Office of Budget and Finance seem to be excellent, and there does not appear to be any confusion regarding the respective responsibilities of the two offices in carrying out the legislative reporting function.

IV. OTHER STAFF OFFICES

The other functional staff offices play an important role in the legislative reporting process when the legislative proposal under consideration relates to the subject matter with which those offices are familiar.

If a bill relates to some aspect of personnel policy for the Department of Agriculture, the request for a report is referred to the Office of Personnel. That Office usually consults with the personnel staffs and others in the various constituent agencies concerned, then drafts a legislative report and refers it to the Division of Legislative Reporting, Office of Budget and Finance, for the usual handling. It is the responsibility of the Office of Personnel, in such a case, to state the Department's personnel policy. The Office of Budget and Finance would hesitate in such an instance, to make a different recommendation to the Secretary's immediate office, even though the general coordination of legislative reports is a responsibility of the Office of Budget and Finance.

The same approach is taken in connection with legislative proposals relating to the other staff offices. A bill on building management would be referred to the Office of Plant and Operations. A proposal regarding publications would be the responsibility of the Office of Information. A bill regarding development of automatic data processing would be analyzed by the Office of Management Appraisal and Systems Development.

When reports are drafted in the program agencies but involve matters coming within the jurisdiction of the departmental staff offices, the Division of Legislative Reporting clears the proposed reports with those staff offices.

V. CONSTITUENT AGENCIES

Since most of the legislative reports are actually drafted in the constituent agencies of the Department, it would not be possible to paint a complete picture of the legislative reporting process without discussing the operations of those agencies. The Administrative Regulations of the Department include the following provision:

To help insure prompt consideration of legislative reports, each agency head shall designate a member of his staff to receive requests for and drafts of such reports from the Office of Budget and Finance, to arrange for preparation and agency clearance of the reports as soon as possible, and to return them directly to the Division of Legislative Reporting. . . . To avoid duplicate handling and recording, it is expected that each agency's records on pending reports will be kept by the person designated pursuant

to the above requirement (or someone on his immediate staff, such as his secretary), rather than by the usual correspondence clerks.¹¹

There is no general pattern as to the type of person designated pursuant to this provision. In four cases a general administrative officer does this work as one of several functions. A budget official carries out this responsibility in four of the agencies. Two agencies assign assistant heads to this work. Three agencies use persons whose work relates primarily to legislative reporting and liaison. Among the seven agencies that have the largest volume of legislative work, three have legislative specialists, one uses a budget official, and three use general assistants.

Most of the legislative reports are drafted by subject-matter specialists within the agencies rather than by the personnel referred to above. However, in three of the agencies the reports are almost always actually drafted by the legislative designee or his assistant, although in a large percentage of the cases, even in these agencies, the reports are drafted pursuant to comments (usually memoranda) submitted to the legislative designee by the subject-matter specialists.

There is a tendency for most of the legislative-report cases to fall within the jurisdiction of a few of the agencies. The following list indicates the distribution of these cases for the 1961 session of Congress:

	Percent
Agricultural Marketing Service.	15
Agricultural Research Service	13
Agricultural Stabilization and Conservation Service	13
Foreign Agricultural Service.	14
Forest Service.	19
Soil Conservation Service	7
Other agencies.	19

This breakdown changes from year to year, of course, as the prevalent issues change.

¹Congressional Record, March 20, 1946, Vol. 92, Part 2, p. 2478.

²Reorganization Plan No. 4, of March 13, 1950.

³Filed in correspondence records of the Secretary's Records Section.

⁴This episode was described to the writer by W. A. Jump and concerned a Bureau of the Budget official not now employed by the Bureau.

⁵Agriculture in an Uneasy World, a forum with five past Secretaries of Agriculture, a feature of Michigan State University's 1961 Farmers Week, published jointly by the Michigan State Agricultural Experiment Station and Michigan Cooperative Extension Service, pp. 4-5.

⁶Presented at the 27th annual meeting of the National Agricultural Chemicals Association, Coronado, California, September 27, 1960.

⁷This function is analyzed by Charles B. Nutting in his "Department of Legislation" column, American Bar Association Journal, November, 1954.

⁸U. S. Bureau of the Budget Circular No. A-19, as revised June 16, 1960.

⁹Information taken from correspondence files of the Secretary's Records Section and the records of the Division of Legislative Reporting.

¹⁰H. R. 2347, 79th Congress, introduced February 26, 1945.

¹¹Section 424c.

CHAPTER IV - RELATIONSHIPS WITH ENTITIES OUTSIDE THE DEPARTMENT

Most of the previously written material on legislative reporting deals with this general area, especially with relationships with the Bureau of the Budget and the

Congress. In order to limit this thesis as much as feasible to the Department of Agriculture, the discussion in this chapter will not be as comprehensive as might otherwise appear desirable.

I. BUREAU OF THE BUDGET AND OTHER DEPARTMENTS

The regular liaison with the Bureau of the Budget regarding legislative reporting is the Division of Legislative Reporting, Office of Budget and Finance. The relationships between the Division of Legislative Reporting and the Office of Legislative Reference, Bureau of the Budget, appear to be excellent. Close contact between these two entities has proved mutually advantageous.

Because of the large number of subjects with which the Department of Agriculture is involved, most of the Legislative Analysts of the Bureau of the Budget, who are assigned on a subject-matter basis, are contacted by the Division of Legislative Reporting from time to time. However, approximately one-half of the Department's legislative reports are coordinated at the Bureau of the Budget by Russell P. Andrews, an experienced and competent career officer with varied service, including positions in the Department of the Interior, the Department of Agriculture, the Bureau of the Budget, and the White House office.

Most of the clearances of legislative reports are conveyed to the Department of Agriculture by telephone calls from the Legislative Analysts of the Bureau of the Budget, although in some cases the clearances are given in letters from the Director of the Bureau of the Budget or the Assistant Director for Legislative Reference. In some cases the Analysts may give personal suggestions for the Department to consider. In other instances, following more extensive review by the Bureau, they may make informal recommendations for changes which are desired by the Bureau. From time to time there are discussions between Bureau officials and Department officials. Occasionally formal meetings are held by the Bureau with the interested departments or agencies.

In recent years these relationships have helped to avoid the earlier statements that certain legislative proposals, although desired by the Department, would not be in accord with the President's program. When such statements are rendered, however, the Department is in a dilemma which is not always fully recognized by some of the writers in this field. Several years ago, in an internal memorandum, an official of the Department of Agriculture described the situation as follows:

On advice from the Bureau of the Budget that enactment of the proposal would not be in accord with the program of the President, we are presented with two alternatives. The first is to present to Congress the glowing report with an anti-climactic closing to the effect that enactment would not be in accord with the President's program. This, of course, reveals cleavage and inconsistency between the attitudes of the President and the Secretary. The second alternative is to pare our report to a presentation of the bare facts, in order that it shall harmonize with what is theoretically the attitude of the President. The report then becomes, not one from this Department, but a report from the Executive Branch. More often than not, such a revised report will not contain a specific recommendation for or against the bill as coming from the Department. It simply states the facts and concludes with the assertion that the Budget Bureau has said enactment would not be in accord. The real conclusion arrived at by the program agency is often not stated. In such a report, have we performed our responsibility to the Congress and the public? The Congress may not know from such a barren report whether the Secretary approves the bill or whether the program agency concerned believes it desirable or workable, regardless of fiscal limitations. In sending such a report, however, we shall have maintained the integrity of the "administrative team" of the Executive Branch, comprised of the

President, his cabinet and the heads of the independent establishments. Perhaps also we shall have avoided a budgetary spanking by not having pursued a course contrary to presidential attitude, as interpreted and expressed by the Budget Bureau. The whole question is one of philosophy and yet is hedged about securely with very realistic considerations.

Additional complications arise when the proposed legislation in question is sponsored by a "pressure group"; for example, in a recent report on a bill to provide additions to the Superior National Forest, the Forest Service was attempting to draft a report which would be satisfactory to the Isaac Walton League as to conservation policy, and yet not offensive to the Budget Bureau from the standpoint of the ultimate costs involved. The farm organizations and other groups exert similar influences on other measures.¹

A rather typical congressional viewpoint regarding this matter was brought out during hearings in 1944. Judge Marvin Jones, War Food Administrator, was pointing out the need for clearance of legislative recommendations with the Bureau of the Budget. Representative Voorhis replied: "We want to know what you think. We don't want to know what Justice Byrnes² or the Bureau of the Budget says you think. We want to know what you think."³

This dilemma does not exist to the same extent in connection with appropriation estimates, since the Budget and Accounting Act clearly states that all recommendations for appropriations shall be made by the President, not by the department heads, and makes clear that the Bureau of the Budget is the President's staff arm to be used in carrying out this function. However, in the case of substantive legislative proposals, the requests for reports are usually submitted to the department heads, not the President. Moreover, most of the substantive laws direct enforcement responsibility to the department heads rather than to the President. Although a convincing argument can be made for the doctrine that all executive authority runs to the President and therefore everything that is said or done by the Executive Branch is pursuant to his authority and subject to his responsibility, nevertheless there is not a general acceptance of this principle, even among members of the Congress. Thus the dilemma of the departments is very real indeed.

Occasionally the Bureau of the Budget has had difficulty in ascertaining the relationship of a legislative proposal to the President's program. For example, in 1941 the Chairman of the House Committee on Agriculture introduced a bill to authorize the Department to enter into lease agreements with farmers in order to provide for management of their forest lands and the marketing of their timber products in accordance with proper practices, and asked the Secretary of Agriculture for a report on the bill.⁵ The Department of Agriculture prepared a favorable report and sent it to the Bureau of the Budget for clearance. Apparently on the basis of a budget policy which the Bureau felt had been approved by the President, the Bureau advised the Department that enactment of the bill would not be in accord with the President's program. Thereupon the Department, in replying to the request of the Committee Chairman, stated the advice which had been received from the Bureau of the Budget. During the next session the Chairman again introduced the proposal and again requested the Department for a report.⁶ However, this time he enclosed a copy of a letter which he had received from the President (Franklin D. Roosevelt) indicating a favorable attitude toward the proposed program, then warned the Secretary against stating that the bill was not in accord with the President's program.⁴ In this case it appeared that Presidential correspondence had been prepared without close reference to budget policy. Afterwards the Bureau of the Budget made arrangements for the White House files to be checked before stating that a bill was not in accord with the President's program.⁷

The clearance process, including review by other departments and agencies, can be

illustrated by the following examples.⁸

In 1957 a bill was introduced to authorize appropriation of \$100 million annually for research on industrial use of agricultural products through an independent agency to be called the Industrial Agricultural Products Administration.⁹ The Chairman of the Senate Committee on Agriculture and Forestry asked the Secretary of Agriculture for a report on the bill.

At first, in a letter to the White House staff, the Department opposed such legislation on the basis that adequate authorization for Department of Agriculture research already existed. Through informal discussion between the Secretary's Office and the White House staff, it was determined that the Administration could probably support such proposed legislation if modified in various respects, including an authorization of \$50 million (instead of \$100 million) and provision that the work be done through the Department of Agriculture instead of an independent agency.

The proposed report of the Department, as sent to the Bureau of the Budget for clearance, recommended the modifications referred to above. In addition, it recommended authority for employment of technical and professional personnel without regard to the Classification Act. The Bureau of the Budget, in connection with its consideration of the proposal, referred the proposed Department of Agriculture report to the Civil Service Commission for comment. That Commission suggested to the Bureau of the Budget that the recommendation regarding the Classification Act be deleted from the Department of Agriculture report. The Bureau of the Budget then took up the matter with the Department of Agriculture.

The Assistant Director for Legislative Reference, Bureau of the Budget, explained that it was difficult to clear the Department of Agriculture report in the face of opposition by the Civil Service Commission. The Administrative Assistant Secretary of Agriculture replied that the Department was not willing to recommend the bill in the absence of authority recommended in the Department's proposed report, since it would otherwise be impossible to obtain sufficient qualified personnel, and thus the Department could not do the job envisioned by the bill.

Meanwhile, the Senate Committee on Agriculture and Forestry called upon the Department to testify almost immediately, so it was necessary for the Department to have a specific recommendation ready if the Executive Branch were to avoid embarrassment. In view of this situation, the Bureau of the Budget agreed that the Department might recommend authority to fill certain positions outside the Classification Act upon certification of the Secretary that such action was essential to carrying out effectively the purposes of the bill or other legislation authorizing utilization research in agriculture. It was further agreed that the Department's report would promise that this authority would be subjected to administrative control within the Secretary's Office and that the provision would be administered in accordance with Government-wide policy and not unilaterally. However, in view of the time situation and the absence of further discussion with the Civil Service Commission, the Bureau of the Budget insisted that the Department's report avoid committing the Administration as a whole to this position.

The report of the Department of Agriculture was revised along these lines and submitted to the Committee. During the hearings that same day the Assistant Secretary giving the testimony was asked to obtain Bureau of the Budget clearance on the report. Therefore, the Bureau of the Budget again took up the matter with the Civil Service Commission. It was agreed that the Department would submit to the Committee a modification of its previous recommendation. The new proposal was that the bill be amended so as to limit the number of excepted employees to 100, require that their salaries be subject to approval by the Civil Service Commission and not exceed the maximum payable under the act of August 1, 1947, and provide that the qualifications of such persons be approved by the Civil Service Commission or agents it might designate for the purpose. The Department's report, as so modified, was

cleared by the Bureau of the Budget as having Administration support.

In another case, in 1941, a bill was introduced to incorporate as amendments to the original Extension Service acts the authorizations in the act of 1928 extending to Hawaii the benefits of these acts.¹⁰ The Department submitted to the Bureau of the Budget for clearance a report which was rather favorable to the bill on the basis that it would reduce the number of separate appropriation accounts and the number of separate appropriation items in the annual Agricultural Appropriation Act.

The Bureau of the Budget replied with a suggestion that a further study be made of the possibility of consolidating into single appropriation items the several sub-items provided for "Payments to States, Hawaii, Alaska, and Puerto Rico for Agricultural Experiment Stations" and those provided for "Payments to States, Hawaii, Alaska, and Puerto Rico for Agricultural Extension Work." Such consolidation had also been suggested by at least one of the Committees on Appropriations. The Bureau of the Budget further suggested that, in the event such consolidations could be agreed upon within three or four months, an effort should be made to include them in the Budget for the fiscal year 1943, thus reducing from seven to one, in the case of the experiment stations, and from five to one, in the case of extension work, the number of appropriation items for those purposes. In addition, the Bureau of the Budget advised that, pending the study along the lines indicated, enactment of the bill would not be in accord with the program of the President.

The Department verbally explained the situation to the author of the bill and refrained from submitting a formal report to the committee chairman.

Then the Department worked informally with the organization of the land grant colleges and the experiment stations in drafting legislative proposals which would be acceptable to all concerned. In 1953 the Extension Service draft was ready for consideration by the Congress, and the Department decided to submit it as a departmental proposal. The proposed bill was sent to the Bureau of the Budget for clearance, and that agency sent it to the Federal Security Agency for comment because that Agency (now the Department of Health, Education, and Welfare) included the Office of Education.

The Federal Security Agency sent to the Bureau of the Budget a report objecting to the proposal as drafted. One objection was that the draft, in defining the scope of the bill, referred to "agriculture and home economics" (as stated in the law existing at the time) "and subjects relating thereto." The Federal Security Agency feared that this new phrase implied a broadening of the scope of the program. In discussing the Federal Security Agency's report with the Bureau of the Budget, the Department of Agriculture informally took the position that there was no intention of broadening the scope of the program and pointed out that the proposed limitation of the Federal Security Agency could be construed so as to hamper the educational work of the Extension Service with consumer and distributive trade groups and in the general field of agricultural marketing. The Bureau of the Budget agreed that the phrase should not be eliminated from the proposed bill. However, the Bureau urged that the Department take appropriate steps to assure that, in planning State programs in cooperation with the land grant colleges, the interests of the Federal Security Agency not be overlooked or adversely affected.

The other objection of the Federal Security Agency was that the proposed bill did not contain any provision to prevent discrimination on the basis of race or color in the expenditure of these funds. The Department of Agriculture informally took the position, in discussing this matter with the Bureau of the Budget, that such a provision should not be inserted in the bill. Although the Department had no objection to such a requirement as a matter of principle, it was felt that the provision, in this instance, might have the effect of practically killing the Extension Service program in a large segment of the country. It was believed that this proposed legislation was intended essentially as a codification and simplification of exist-

ing legislation and was not an appropriate vehicle for additional social reform which should be considered separately on its merits. After discussion with the White House staff, the Bureau of the Budget advised the Department that there was no objection to the submission of the proposed legislation, as drafted by the Department, to the Congress for its consideration. The proposal was subsequently enacted.¹¹

In another case a bill was introduced in 1954 to amend a 1939 act.¹² Section 1 of that act authorized the Department of Agriculture to use each year from "Section 32 funds" (a permanent annual appropriation of an amount equal to 30 percent of the customs receipts, for disposal of surplus agricultural commodities) an amount not in excess of \$1,500,000 for the purchase and distribution, through public and private relief channels, of surplus fish and fish products. Section 2 of the 1939 act authorized the Department to transfer annually to the Department of the Interior \$175,000 of this sum for the development of domestic markets and for conducting a fishery educational service with respect to fish and fish products.

The bill would have amended section 2 of the previous act. It would have required that each year the Department of Agriculture transfer to the Department of the Interior an amount of Section 32 funds equal to 30 percent of the gross receipts from duties collected under the customs laws on fishery products. These monies would be maintained in a separate fund by the Department of the Interior for conducting a fishery educational service and a fishery research program, and to develop and increase markets for fishery products.

The Department of Agriculture submitted to the Bureau of the Budget for clearance a proposed report opposing the bill on the basis that (1) a mandatory assignment of the funds should not be made without any determination of need from year to year and (2) the Department of Agriculture conducts research in nutrition and utilization of fish and maintains an educational service for homes and institutions regarding all food products, including fish. The Department of the Interior, on the other hand, submitted a report to the Bureau of the Budget favoring the bill and pointing out that aid was needed for the fishery industry, which was in serious economic trouble. The Bureau studied the matter and concluded that the position of the Department of Agriculture was correct. However, the Bureau informed the Department of the Interior that there would be no objection to the submission of proposed legislation authorizing appropriations directly to that Department for research, education, publicity, etc., regarding fishery products. In clearing the modified proposal, the Bureau of the Budget informed the Department of the Interior that such clearance did not involve any commitment as to the timing of appropriations under such legislation if enacted.

In another case a law was passed in 1954 revising the Virgin Islands Organic Act.¹³ The revision included a provision authorizing the Department of Agriculture to permit importation into the Islands of cattle which had been infested with or exposed to ticks upon being freed therefrom. The purpose of this provision was to enable such cattle to be imported from the British Virgin Islands so as to relieve a meat shortage in the United States Virgin Islands. Tick inspection was good in the British Virgin Islands but was inadequate in other foreign areas from which cattle might be shipped.

The 1954 law also included a provision repealing the authority of the Department of Agriculture to control importation of diseased poultry into the United States Virgin Islands. There had been local opposition to this control because of a belief that insufficient inspection services were available and that the poultry supply was, therefore, being unduly delayed.

These provisions of the 1954 law were recommended by the Department of the Interior. In reviewing the proposed legislation for clearance purposes, the Bureau of the Budget had failed to note these provisions (which were an incidental and obscure

part of a long and complicated proposed bill covering a number of subjects) and had cleared the proposed legislation without giving the Department of Agriculture an opportunity to comment.

Promptly after enactment of the provisions, the Bureau of the Budget (at the request of the Department of Agriculture) held meetings with representatives of the two Departments concerned. Subsequently the Department of the Interior and the Bureau of the Budget agreed to support amendments as follows:

- (1) The cattle-tick provision would be changed so as to limit its application to imports from the British Virgin Islands only and for slaughter only.
- (2) The previous poultry authority would be restored. Arrangements were agreed upon whereby lay inspection services would be available in the United States Virgin Islands for poultry that was to be slaughtered. This administrative arrangement would meet the local desires and would, at the same time, protect the United States Virgin Islands, and indirectly the mainland, from possible entry of poultry diseases.

This corrective legislation was enacted.¹⁴

II. THE CONGRESS

It is generally known that the Department of Agriculture has many relationships with the Congress and its members and staffs. The congressional relationships in connection with legislative reporting are an important part of the total.

The Department of Agriculture has such a wide scope of responsibilities that it must maintain relationships with a number of congressional committees. During the 1961 session of the Congress the Department submitted legislative reports to fifteen committees, not counting companion committees in the respective houses. Although the largest number of reports was sent to the agriculture committees, two-thirds of the reports were sent to other committees. The distribution of the reports by committees is indicated by the following list:

Committee	Percent
Agriculture.	33
Interior and Insular Affairs	12
Ways and Means; Finance.	11
Commerce; Merchant Marine and Fisheries.	10
Education and Labor; Labor and Public Welfare.	6
Judiciary.	6
Public Works	6
Banking and Currency	2
Post Office and Civil Service.	2
Science and Astronautics	1
Foreign Relations.	1
Armed Services	1
House Administration	1

Another indication of the wide scope of the Department's relationships with the Congress is that approximately 22 percent (nearly 2,800) of the bills introduced during the 1961 session were of official interest to the Department. The Department was asked to report on approximately 800 of these proposals. Of, course, many of these bills were duplicates, and many others covered the same general subject matter.

The congressional committees differ in their criteria for requesting legislative reports from the Department. For example, the Senate Committee on Agriculture and Forestry normally asks the Department for comments on every bill that is referred to that Committee. On the other hand, the House Committee on Agriculture usually does

not ask the Department for reports until the authors of the bills request in writing that the Committee Chairman submit the bills to the Department for reports.

There is sometimes a tendency for the committees to fail to request reports in the case of departments that usually have a small amount of business with those committees, even though the departments may have a vital stake in the proposed legislation being considered. For example, in several instances the agriculture committees have failed to notice an interest of the Department of the Interior, and in other cases the Interior and Insular Affairs Committees have not noted an interest of the Department of Agriculture. This is natural, since the staffs of the respective committees are more familiar with the programs of the departments with which they do most of their work. This means that the departments must check the bills introduced in order to ascertain whether they are concerned and, if so, must inform the committee staffs when appropriate. It also is one indication of the value of the coordination procedure carried out by the Bureau of the Budget, which can obtain the review of any interested department that may not have been asked for a report by the committee concerned.

From time to time members of Congress have expressed concern that too many of the Department of Agriculture's reports are adverse to the enactment of legislative proposals. It is natural that a large percentage of the reports would be adverse, since members of Congress frequently introduce bills that they know have little chance of enactment. At some periods and under some conditions more of the reports are adverse than at others. During hearings in 1959 Representative Cooley pointed out that the Department, under Secretary Benson, submitted to his committee only seven favorable reports out of a total of 108 cases.¹⁵

There has been a recent tendency within the Department of Agriculture to make a special effort to avoid submission of a bluntly adverse recommendation if the same message can be conveyed in more diplomatic terms. For example, in 1961 a report was drafted stating that the Department "opposes" a bill specifically to authorize loans for fur farmers.¹⁶ The draft was rewritten in the Secretary's Office so as to begin with the sympathetic statement that "the Department favors loans to fur farmers." The report then went on to point out that sound loans to fur farmers were already available under existing legislation and that the bill was therefore unnecessary.¹⁷ In various cases reports have been rewritten so as to favor the objectives but recommend a substitute rather than oppose the bills entirely. Such approaches help to promote good working relationships between the Department and the authors and other supporters of the bills, while at the same time avoiding a weakening of the Department's position.

During 1961 the distribution of the Department of Agriculture legislative reports, by type of response, was as follows:

Type of Response	Percent
Favorable, including favorable if amended.	30
No objection, including no objection if amended.	20
Favorable to objectives.	8
Unfavorable.	35
No recommendation.	7

In earlier generations the Congress was sensitive about receiving proposed legislative language from the executive departments. There was a feeling that the legislative drafting should be done by congressional staffs rather than by the executive agencies. In recent years there has been more of a tendency for the executive agencies to submit language with their recommendations. In some cases the departments have received congressional criticisms for not doing so. For example, during hearings in 1959 Senator Symington repeatedly urged Secretary of Agriculture Benson to submit a proposed bill to carry out his recommendations. At one point the

Senator stated:

I recommend that the Secretary of Agriculture draw up in what he calls legal language a bill that the Congress could study, and analyze, and possibly pass in order to help this growing problem of the investment of the American people in agriculture, and also to help the standards of living in agriculture. Then the Congress, and this committee, can take the recommendations in this legal language, bill language, of the Secretary of Agriculture, and compare it with the recommendations of the Senator from Georgia and any other plans.¹⁸

An incidental but significant factor to be considered in connection with congressional relationships is the determination as to who should sign the legislative reports. In general, the current practice of the Department of Agriculture is that the Secretary signs the reports. During the 1961 session Secretary Freeman signed 82 percent of the reports to Congress, Under Secretary Murphy signed 17 percent, and the Assistant Secretaries signed 1 percent. The Assistant Secretaries were occasionally called upon to sign a report if it was urgent and both the Secretary and the Under Secretary were away from the office. In some other departments, on the other hand, the usual procedure is for an Assistant Secretary to sign the reports. Although this saves the Secretary's and the Under Secretary's time and also enables them to provide a line of retreat in case the report should need to be reversed later, it tends to indicate that the Secretary and the Under Secretary do not feel that legislative reports are important enough for their personal attention.

One of the most troublesome problems in connection with congressional relationships is the delay in submission of legislative reports. On various occasions members of Congress have called attention to the difficulty which is caused when reports are delayed. For example, in 1951 Representative D'Ewart made a speech on the floor of the House expressing concern about delays as follows:

I happen to be a member of the Interior and Insular Affairs Committee. We have important bills in that committee that have been there, some of them, since January 3, on which we cannot get reports from the departments or the Bureau of the Budget. . . . We know we can consider them without reports, but it is not the orderly way to do business. If we could get those reports out of the departments and from the Bureau of the Budget with the help of the majority leader we could bring bills to the floor much faster than we have.¹⁹

Mr. D'Ewart's statement was followed up a few days later by Representative Crawford, who said:

Actually the executive branch of the Government is sitting on many of the bills of this particular committee and no doubt on the bills of many other committees of this House. That accounts for the fact that the House itself is caught up with its business. The bottleneck is in the executive branch and is largely due to Executive Order No. 9384 dated October 4, 1943. By this order the President established a barrier and machinery of censorship on what information the heads of his departments could pass on to Congress.²⁰

Concern about this matter was expressed by Clinton P. Anderson in 1945 in a memorandum which he issued within the Department shortly after becoming Secretary of Agriculture following service as a member of the House of Representatives. His memorandum included the following statement:

Probably because of a desire to provide Congress with the best reports possible, the executive departments have sometimes been slow in submitting their comments on proposed legislation. This delay greatly diminishes the

assistance which departmental reports provide to Congress. In some instances the committees find it necessary to act upon urgent legislative proposals before receiving the requested comments of the departments. When such action becomes necessary, not only are the departments prevented from having their recommendations considered, but members of Congress may feel that the executive agencies are not responsive to their requests.

Although I realize a report on a bill may require more time for consideration than the average letter, this very difficulty should inspire us to handle legislative reports more promptly.²¹

During 1961 the average number of calendar days required for preparing, processing, and submitting a legislative report from the Department of Agriculture to the Congress was 59, including Saturdays, Sundays, and holidays. This is virtually the same as in 1940, when a survey showed a total time of 56 days. Of the 59 days in 1961, 20 days were used in preparing and reviewing the report within the originating agency of the Department, 12 were taken in review by central departmental offices and by constituent agencies having a secondary interest in the report, 26 were used by the Bureau of the Budget (including the obtaining of comments from other interested departments in appropriate cases), and one was used by the Secretary's Office in final approval and signature of the report following clearance by the Bureau of the Budget.²²

A number of the reports are usually pending when the Congress adjourns. On November 1, 1961, the Department of Agriculture had about 50 cases still pending in the Department, out of a total of approximately 825 for the session. In addition, about 175 cases were pending at the Bureau of the Budget for clearance. Of the 175, a large number were on a few difficult subjects. For example, almost one-half of the cases related to tariff policy. It is not unusual for the Bureau of the Budget to hold a report for over a year if the Administration has not developed a policy on a particular subject.

One problem in the timing of reports is that the Bureau of the Budget normally is not in a position to clear a report until it has received the comments of other departments and agencies involved. In some cases it is felt that a department opposing the recommendation may have a tendency to "sit on" the Bureau's request for comments. A few years ago the Department of Agriculture prepared a favorable report on a bill to tighten up the law regarding the mining claims on Government lands. The Bureau of the Budget referred the proposed report to the Department of the Interior for comment. That Department let several months elapse without replying, in spite of repeated follow-ups. Finally the Assistant Director of the Bureau of the Budget for Legislative Reference called the Department of the Interior and stated that, if comments were not received by a certain date, the Bureau of the Budget would clear the proposed report of the Department of Agriculture.²³ Subsequently the Bureau did clear the Agriculture report, and the bill was enacted.²⁴

In the 1940's an official of the Department of Agriculture discussed this problem of timing in a memorandum within the Department which contained the following statement:

It is, of course, difficult to draft legislative reports under certain circumstances. Sometimes we hesitate to make an adverse report on a bill sponsored by a friend of the Department or by an influential member of Congress. In other cases we would like to make favorable reports but know the Bureau of the Budget will give adverse clearance. Occasionally it is actually difficult to know what position to take, or within the Department there is a division of opinion which is not easy to settle.

Because of these and possibly other reasons, a practice appears to be growing, in several of the agencies of the Department, of simply postponing the preparation of reports until weeks or even months have gone by. When we follow up on these cases, we are given long stories, with which we must

sympathize, about why it is so difficult to write reports. Finally, when Congress ends, these requests are simply filed.

In my opinion, this is an unwise policy because: (1) It creates the impression that the Secretary is afraid to answer questions as to his views. (2) In certain circumstances it causes the Budget Bureau to feel that the Department is unwilling to tell Congress the President's views regarding legislation. (3) The committees tend to wait what they consider to be a reasonable time for reports, then report the bills even though the Department may be opposed to the bills for convincing reasons.²⁵

In spite of these difficulties, the Assistant to the Secretary for Congressional Relations recently told the writer that, through inquiry, he had found that the Department of Agriculture has one of the best records of any of the departments in the timely submission of legislative reports.

After a legislative report is submitted to the Congress, the Assistant to the Secretary for Congressional Relations assists in facilitating the consideration of the proposal in the Congress. This does not mean he is a "lobbyist"; actually most of his work is performed in response to requests from the members and staffs of the Congress. A full discussion of his functions is beyond the scope of this thesis. In 1956 the distinction between the work of his office and that of the Division of Legislative Reporting was described as follows in a memorandum from an official of the Department:

Good, sound arguments can be made on both sides for including in a single office or unit the responsibilities for legislative relationships and liaison with the kind of specialized operating job now performed under Carl Sapp's supervision in the Legislative Reporting Division. While the two are related, they are quite different in character--the one involving political policy which must be highly responsive to changing leadership and administration, the other being a highly specialized job which depends on continuity of knowledge and service for its effectiveness. Even if these two functions were combined, I doubt seriously the advisability of using the staff members interchangeably. To do so would cause the specialized technical staff to become so closely associated with political policy that they would not survive changing Administrations. Thus, the Department would be deprived of a continuity of knowledge that is so important in the work Mr. Sapp performs here in the Department. It is for this same reason that the comparable work performed by Roger Jones at the Budget Bureau is not consolidated with the Congressional liaison group at the White House.²⁶

As a general recognition of this point of view, it is significant that, although the present Chief of the Division of Legislative Reporting has participated in meetings with each of the last five Secretaries of Agriculture, a large percentage of which were of a confidential nature, no official of the Department of Agriculture or the Congress has ever asked him regarding his political affiliations or beliefs.

Two basic approaches have been used by the Department of Agriculture, at different times, in making legislative recommendations to the Congress. The first approach is to develop the Executive Branch position without any extensive consultation with members of Congress, then submit the recommendations to the Congress for review. Under this procedure it is generally assumed that the Congress, after studying the proposals and hearing from the citizenry, may amend the Department's proposals. It is felt that the Executive Branch is only one among a number of resources that the Congress can use in formulating legislative policy and that the Department should not try to bring these resources together in advance of the legislative process as such.

This approach was used by Secretary Brannan in formulating and presenting the so-

called Brannan Plan for agricultural stabilization in 1949. The plan was prepared by a small group of experts in the Department of Agriculture with Secretary Brannan assuming active leadership of the group. The day before the plan was presented to the Congress, Mr. Brannan called in the news reporters for an off-the-record press conference, which the writer attended. Until that time only perhaps a half dozen people knew what was in the Secretary's plan. The next day he submitted his plan in testimony at a joint hearing of the House Committee on Agriculture and the Senate Committee on Agriculture and Forestry. It was his expectation that the Congress would make changes in his proposal as a part of the normal give-and-take process that leads up to legislation.

After consideration of the proposed bill, the House Committee on Agriculture reported a drastically amended bill, and Representative Andresen asked Secretary Brannan for his view on the modification.²⁷ The Secretary's approach was indicated by his reply, which contained the following statement:

Of course, I would have preferred the draft of legislation which I furnished to the Congress on May 27 for its consideration. During the hearings, however, I indicated that I did not consider my recommendations as perfect and final, and I offered the proposals in an effort to be helpful to the Congress in its consideration of price-support legislation.

The Committee on Agriculture has studied carefully the entire price-support problem and has considered my recommendations along with others. It has reported a bill which embodies most of the basic viewpoints which I expressed during the hearings. I commend the Committee for the thorough study it has made and for developing such a bill as H. R. 5345. I am glad to give my support to this bill.²⁸

During development of the omnibus agricultural bill in 1961, Secretary Freeman took a somewhat different approach.²⁹ He and his staff consulted extensively with various members of the Congress on a number of occasions while the proposed bill was being drafted, and he adopted several suggestions which were received from the legislators. The Secretary apparently was trying to iron out as many difficulties as possible in advance of formal congressional consideration. This process, it was felt, would lessen the controversy during the hearings and debate and might enable the agricultural interests to develop a relatively unified position before the bill was ready for formal action. Although a great deal of controversy did arise, this was probably in spite of, and not because of, the approach which the Secretary took.

On a lesser scale these two approaches are regularly used, in varying degrees, when legislative reports are being prepared and reviewed within the Department. Sometimes Department officials merely do the best they can in formulating and submitting recommendations for congressional consideration. At other times they may consult with authors of bills or others in advance of the drafting of legislative reports or at the review stage. Both approaches have advantages and disadvantages which must be weighed in every instance.

¹ Correspondence is on file in the Division of Legislative Reporting.

² Director of the Office of War Mobilization, which supervised most of the civilian war-related activities of the Government.

³ Hearings before the Agriculture and Mining Subcommittee, Special House Committee on Post-war Economic and Policy Planning, Part 5, p. 1333.

⁴ Correspondence filed in the Secretary's Records Section.

⁵ H. R. 969, 77th Congress, introduced January 3, 1941.

- ⁶H. R. 5960, 77th Congress, introduced November 4, 1941.
- ⁷This procedure was related to the writer by a member of the White House staff who is not now employed there.
- ⁸Examples taken from the correspondence files of the Secretary's Records Section.
- ⁹S. 724, 85th Congress, introduced January 17, 1957.
- ¹⁰H. R. 5375, 77th Congress, introduced July 21, 1941.
- ¹¹Public Law 83, 83rd Congress, approved June 26, 1953.
- ¹²S. 2802, 83rd Congress, introduced January 22, 1954.
- ¹³Public Law 517, 83rd Congress, approved July 22, 1954.
- ¹⁴Public Law 393, 84th Congress, approved January 28, 1956.
- ¹⁵Hearings on "General Farm Legislation," House Committee on Agriculture, Serial GG p. 342.
- ¹⁶S. 572, 87th Congress, introduced January 23, 1961.
- ¹⁷Information obtained from correspondence files of the Secretary's Records Section.
- ¹⁸Hearings before Senate Committee on Agriculture and Forestry, "The President's Farm Message, 1959," February 16, 1959, p. 106.
- ¹⁹Congressional Record, June 15, 1951, p. 6629.
- ²⁰Congressional Record, June 30, 1951, p. 6815.
- ²¹Secretary of Agriculture's Memorandum No. 730, Revised, Supplement 1, July 13, 1945
- ²²These figures were developed from correspondence records of the Division of Legislative Reporting. They are based upon the dates the reports were received and forwarded by the Division. In a few cases reports were omitted from the study because the cases were so obviously abnormal that their inclusion would have made the study of little value.
- ²³This episode was related to the writer by the Assistant Director concerned, who is not now employed by the Bureau.
- ²⁴Public Law 167, 84th Congress, approved July 23, 1955.
- ²⁵Quoted from correspondence filed in the Division of Legislative Reporting.
- ²⁶This memorandum is on file in the Division of Legislative Reporting.
- ²⁷H. R. 5345, 81st Congress, reported July 7, 1949 (H. Rept. 998).
- ²⁸Letter on file in the Division of Legislative Reporting.
- ²⁹H. R. 6400, 87th Congress, introduced April 18, 1961.

CHAPTER V

LEGISLATIVE INFORMATION SERVICE

If the Department is to do an adequate job of legislative reporting, its officials must know what is going on in the Congress. The Department should be in a position to submit a voluntary report if it appears that legislative action will be taken without the Congress realizing that the Department is concerned. Checks should be made to see whether congressional action is in accord with the Department's legislative recommendations and, if not, whether reports should be submitted to clarify the situation. If it appears that a bill will be enacted, the Department must frequently make plans to carry it out and should not wait until the proposal is enacted. Department personnel must know when bills on which they are preparing reports are scheduled for action. They should be aware of congressional criticisms of the Department's position which may be made without a full awareness of all the factors involved. Moreover, a law actually requires in some degree a legislative information service, providing as follows:

The heads of executive departments, and such executive officers as are not connected with the departments, respectively, shall cause daily examination of the Congressional Record for the purpose of noting documents, reports, and other publications of interest to their departments, and shall cause an immediate order to be sent to the Public Printer for the number of copies of such publications required for official use.¹

Therefore, every department has a legislative information service of one kind or another.

I. PRIMARY INFORMATION SERVICES

The legislative information function of the Department of Agriculture was assigned to the Division of Legislative Reporting in order that it could be closely coordinated with the legislative reporting work. Over a period of years the Department's legislative information service has been streamlined and improved. It is highly regarded throughout the Government. On a number of occasions other departments and agencies have adopted procedures which had been developed in the Department of Agriculture's legislative information service. Dr. George B. Galloway has stated that this service is "one of the best."²

One of the legislative information activities of the Division of Legislative Reporting is the receipt of bills, committee reports, committee hearings, documents, and the Congressional Record, and their distribution to the agencies and officials of the Department on the basis of subject matter. By having the printed materials distributed from a central office, the Department can make maximum use of the supplies which are received. For example, if a bill or report relates to forestry, most of the Department's entire supply can be made available to the Forest Service. If a bill relates to price supports, most of the copies can be provided to the Agricultural Stabilization and Conservation Service. The Department receives 70 copies of all public bills and reports and smaller quantities of other legislative publications. Additional supplies are ordered, from time to time, on the basis of special needs, and in some cases these supplemental orders are financed by the program agencies. The Division of Legislative Reporting spends approximately \$17,000 a year for this material. To provide the same service, a great deal more would have to be spent if it were not possible to receive the publications and distribute them from a central point on the basis of subject-matter interest.

Another part of the legislative information service is maintenance of indexes to the bills and other legislative proposals of interest to the Department. They are indexed by number, subject, and author. The "history cards" include information on congressional developments and legislative reports from the Department. There is

also an index to testimony by Department personnel. Approximately 25,000 telephone calls each year are handled by the Division in connection with the use of these indexes throughout the Department and, in some cases, by the Bureau of the Budget, congressional offices, journalists, and others.

The Division also issues a daily, mimeographed Digest of Congressional Proceedings of Interest to the Department of Agriculture. This publication is sent regularly to approximately 1,800 regular employees of the Department and the State Extension Service Directors. Numerous requests have been received for distribution of this publication to private groups and individuals. These requests have been resisted because of (1) the cost, (2) a fear that such groups might use the information to bring pressure on the Congress and thus embarrass the Department, and (3) a concern that commercial legislative services might feel that they were suffering unfair competition from the Department. The daily Digest of Congressional Proceedings has gained a reputation beyond the walls of the Department. In 1954, during debate on the floor of the House, Representative Paul C. Jones made the following statement:

Mr. Speaker, I feel that a letter which I received only this week from a farmer living in the Tenth Congressional District of Missouri contains some very fine advice which the Secretary should take to heart. . . I am not taking the time to direct this to his attention in a personal letter, but I do know that someone in the Department of Agriculture will call it to his attention and in all probability it will appear in the Daily Congressional Digest circulated within the Department of Agriculture.³

Prior to the issuance of this Digest each day, the Division of Legislative Reporting prepares and delivers to the Secretary's Office a summarized, dittoed sheet which tells the Secretary and his immediate staff (1) the major activities of the Congress on the preceding day, (2) the hearings of interest to the Department which are scheduled for the current day and the witnesses to be heard, and (3) the requests received for legislative reports and the agencies or officials to whom those requests were referred. This sheet is attached to the Congressional Record for easy reference.

At the end of each regular session of the Congress the Division of Legislative Reporting issues about 2,800 copies of a digest of legislation enacted of interest to the Department of Agriculture. This summary is made available both within and outside the Department.

II. MISCELLANEOUS SERVICES

In addition to the above, the Division provides a number of miscellaneous legislative information services, including the following:

- (1) Supervises the legislative reference work of the Department Library regarding legislation of past Congresses, including the preparation and maintenance of bound legislative histories (showing the various prints of bills, committee reports, debate, etc.) on most of the acts relating to agriculture.
- (2) Answers miscellaneous questions from representatives of congressional offices, magazines, trade journals, farm organizations, newspapers, etc., regarding legislative developments on bills relating to agriculture.
- (3) Advises personnel of the Department individually and routinely, upon request, of legislative developments on bills they wish to follow.
- (4) Peruses all appropriation hearings and distributes to the appropriate officials of the Department lists and summaries of items and discussions of official interest to them.

- (5) Prepares or arranges for preparation of resumes of certain committee hearings as they are held, for distribution to selected Department officials.
- (6) Keeps in close touch with the Bill Clerk at the White House and the National Archives and Records Service, arranging for immediate notifications of Presidential action on enrolled bills.
- (7) Prepares information on legislative developments, including their background and significance, for use at the Secretary's staff meetings, Budget and Finance staff meetings, and other groups. When appropriate, presents this material at such meetings.
- (8) Carries out special assignments on legislative research and related matters.
- (9) Obtains information on committee hearings to be held and informs the interested officials of the Department.
- (10) Reviews all legislative publications to determine whether, and in what way, the Department is interested in them.
- (11) To the extent feasible, provides the Department officials with advance information regarding bills which are to be considered on the floor of the House or the Senate.
- (12) Answers miscellaneous letters from Department field offices, teachers, students, farmers, and others asking questions regarding the status or provisions of pending legislation relating to agriculture.
- (13) Answers questions of Department officials regarding parliamentary rules, legislative procedure, and related matters as they affect legislative proposals in which the Department is interested.
- (14) Upon request prepares, for use of the Secretary's Office and the White House, special statements on the status and provisions of the more important bills of interest to the Department.
- (15) Reviews and, when appropriate, rewrites letters for the Secretary's signature which are not legislative reports but which identify or discuss the status or provisions of legislative proposals relating to agriculture.

¹Act of January 12, 1895 (44 U. S. C. 215).

²George B. Galloway, The Legislative Process in Congress, Thomas Y. Crowell Company, New York, 1953, p. 442.

³Congressional Record, August 17, 1954, p. 14844.

CHAPTER VI

CONCLUSIONS

Findings

This thesis has traced the development of the legislative reporting function in the United States Department of Agriculture and has shown how some of the historical factors have affected the way in which the function is carried out. It has explained the policies and procedures by which the function is governed, both in the Department's internal operations and in its relationships with other entities. It

has included summaries of specific cases to illustrate the various operations in connection with legislative reporting. It has explained the legislative information services and how they are related to the legislative reporting process.

Several conclusions result from this analysis of the legislative reporting procedures of the Department:

- (1) The present legislative reporting system of the Department has developed over a long period without any deliberate, long-range plan for this work.
- (2) The procedures are largely of a decentralized character, with a large share of the responsibility resting upon the subject-matter specialists in the various program agencies of the Department.
- (3) The overall responsibility for supervising the legislative reporting process is divided among a number of entities, including the Secretary's immediate office, the Office of Budget and Finance, the Office of the General Counsel, and other staff offices.
- (4) A considerable degree of emphasis is placed upon the budgetary and other administrative aspects of legislative reporting.
- (5) The function is approached largely from a professional and institutional standpoint rather than from the standpoint of partisan politics.
- (6) There is a great deal of variation in the legislative reporting procedures, both within the Department and among departments.

The legislative reporting system of the Department of Agriculture is reasonably adequate and efficient, and many of the procedures described in this thesis could be fruitfully adopted or adapted for use in other departments and agencies.

Standardizing Procedures

In order to obtain ideas for improving the legislative reporting procedures of the Department of Agriculture, this writer has obtained information on the various procedures followed by other departments and agencies. A questionnaire was sent to seventy departments and agencies, and thirty-eight filled-out replies were received. Every executive department except one replied. Most of the larger independent agencies replied. A number of the smaller agencies stated that they would not reply since they received so few requests for legislative reports that their comments would not be significant. In some cases the replies did not include answers to all questions.

Following is a summary of the various procedures regarding legislative reporting as indicated by this survey. For convenience the term "agency" in this summary means department or independent establishment.

Acknowledgment of Requests:

Thirty-one agencies send acknowledgment letters to Congress when requests are received for legislative reports, and seven do not.

Nine agencies send acknowledgments in the case of requests from the Budget Bureau, and twenty-six do not.

Twenty-two agencies type individual acknowledgment letters, and eight use form letters. Of the eight agencies using form letters, five also have the signature processed in advance. In thirteen cases (none including an executive department) the agency head signs the acknowledgment letters.

In eleven cases the letters are signed by the chief of the legislative division or the assistant, associate, or deputy general counsel for legislative matters. In two cases the general counsel signs the letters, in one case an assistant secretary for legislative matters, in one case an assistant administrator, and in one case an executive assistant to the agency head.

Processing Copies of Reports:

Most agencies merely said they submit processed copies when the committees ask for them. One agency noted that committees are increasingly asking for copies.

Four agencies process all reports. One agency said they have to do this anyhow, to get enough copies for internal and Bureau of the Budget use, and that they use the same master copy for ozalid (when only a few copies are needed) or XeroX (when many copies are needed).

One agency always sends a supply of processed copies except in the case of reports on private bills.

When committees do not ask for extra copies, one agency sends the original only; two send one carbon; two send two carbons; one sends three carbons; and others made no notation on this point.

In twenty-seven cases these processed copies are prepared in a central office; in five cases by program units within the agency.

In seventeen cases the processed copies are made when the reports are originally prepared, in sixteen cases they are made when the reports are ready to be transmitted to Congress, and in two cases they are made after the report has been sent to Congress.

In sixteen cases these copies are produced by multilith, ten by mimeograph, twelve by one of the new photo-copying machines, one by automatic typewriter, and one by ditto. One agency merely said "typewriter." Some specified photo-copying processes were: XeroX, three cases; Copyflo, one; and Ozalid, one. In addition, one agency said Ozalid for a few copies, XeroX for many copies (using the same master copy).

Clearance with the Bureau of the Budget:

The letters to the Bureau of the Budget, requesting clearance of proposed reports, are signed by the same officials that sign the acknowledgment letters, except as follows:

In four cases the General Counsel signs the letters to the Budget Bureau, whereas the agency head signs the acknowledgment letters.

In three cases the agency head signs the letters to the Bureau of the Budget, whereas the legislative officer signs the acknowledgment letters.

In one case the agency head signs the letters to the Bureau of the Budget, whereas the General Counsel signs the acknowledgment letters.

In other cases for which no notation was made regarding acknowledgment letters, the letters to the Bureau of the Budget are signed by the deputy agency head in one case, the general counsel in one case, and the agency head in two cases.

In nine cases a form letter is used for transmitting proposed reports to the Bureau of the Budget, and in twenty-five cases individual letters are typed.

In eighteen cases the anticipated clearance paragraph is typed onto the proposed report at the time it is originally prepared (subject to possible revision after review by the Bureau of the Budget). In sixteen cases the clearance paragraph is not added until the actual clearance is received.

In nine cases the reports are signed before the usual copies are transmitted to the Bureau of the Budget for clearance; in these cases the signed copy is held in a special file so as to avoid premature release. In twenty-five cases the reports are not actually signed until the Bureau of the Budget has cleared them.

One agency said "The Budget Bureau advises that" is typed onto the reports prior to Bureau of the Budget clearance, but that the remainder of the sentence is left blank, although the reports are actually signed before being sent to the Bureau of the Budget. After clearance, the remainder of the clearance sentence is typed onto the report and it is then dispatched to Congress.

One agency stated that, when the reports are first typed, "THIS IS NOT A FINAL REPORT" is included on page one, and the clearance paragraph is enclosed in brackets. After Bureau of the Budget clearance, the report is retyped without these safeguards.

One agency said reports, which have been signed by the agency head prior to submission to the Bureau of the Budget for clearance, are not mailed to Congress after Bureau of the Budget clearance until this action is authorized by the assistant general counsel for legislative matters or his immediate superior, the associate general counsel. If there is substantial delay in securing Bureau of the Budget clearance (for example, more than three months), the report, even though it has been signed by the agency head, is again presented to him for advice as to whether the report currently reflects his views.

One agency said all mail forwarded for signature, from the legislative division, is returned directly to the division after signature (rather than to the agency's mail room). When a report is forwarded for signature but not to be mailed, a note to this effect is paper-clipped to the signature page and the report is so assembled that it cannot be mailed out by mistake (certain materials which must go with the file, when mailed, are held back).

Three agencies actually date the reports to Congress at the time they are sent to the Budget Bureau for clearance, but thirty-two do not.

Release of Copies of Reports:

Five agencies release copies of their reports to persons other than the addressees without request, twenty-nine do not, and two usually do not.

There was considerable variation in the policies as to who are eligible to get copies of reports upon request, as follows:

Eleven said anyone, but that they check with the committees first. Several of these said they do not check with the committees if the reports have been made public in a public document, such as hearings, committee reports, or the Congressional Record. Two said they

usually, but not always, check with the committee. One said they check with the committee in the case of requests from authors of bills, but that in other cases they ask the requesting party to check with the committees.

Six send copies only to other Government agencies.

Two send copies only to other agencies and committees and members of Congress.

One said any "authorized Government official."

One said press, members of Congress, and organizations having an obvious interest.

One said anyone, if the report is published and clearance is obtained from the committee.

Three said anyone, without checking with the committee.

One said the interested public, without checking with the committee.

One said persons or offices with official interest.

One said requests are usually referred to the committee, but that separate letters are sometimes sent, stating the agency's views.

One said copies are furnished only within the agency.

One said furnished within the agency and sometimes to others.

Two said copies are not given to anyone.

One said copies are not generally given to anyone.

One said anyone having an interest, except where confidential material relates to a private bill or claim.

One said usually only those to whom the committee would furnish copies.

Thirteen agencies check with committee staffs before sending copies to authors or others, fourteen do not, and eleven generally do not. In most cases the check with committee staffs is made by phone, and one agency specifically stated that a record is made of the contact.

Two agencies send copies to the ranking minority member, and three do so in the case of one committee each, and at the request of the ranking minority member.

General:

In eleven agencies rough drafts of reports are routed within the agency for review before the reports are typed in clean form with the usual number of copies. In nineteen agencies the reports are typed in clean form with copies before being routed for review within the agency. In several agencies the method of handling is determined on an individual basis.

In twenty-six agencies the reports are typed in a central office, while in eight agencies they are typed in a program unit of the agency.

Most agencies have some sort of system for obtaining preliminary policy

review, prior to drafting reports, in selected cases. In seven agencies the selections of cases are made by the general counsel or legislative officer, in two agencies by an assistant secretary, and in two agencies by the program units. In eight of the agencies most of the policy determinations are obtained through discussion, in two agencies by memorandum, and in other agencies by a combination of these methods or by unspecified methods.

The following techniques are used to insure that deadlines are met and that reports are not unduly delayed:

Weekly reports on pending "priority" cases, weekly meetings with the assistant secretary for legislative matters, and routine and special follow-ups by the legislative division.

Upon receipt of a congressional request for a report, a completion target date is estimated by the attorney to whom the case is assigned (after consultation with interested divisions and offices) and posted on a central control card. If the target date is more than thirty days, the committee requesting the report is so advised by letter. Strict controls are maintained in the offices of the agency head and the general counsel to complete the report on or before the target date or to adjust the target date.

All deadline cases are posted on a blackboard with a time schedule for completing each step.

Monthly status report.

All cases are recorded on a visidex card file system. These cards have appropriate tabs in color to indicate status of the reports and deadlines. In addition, the second in command in the legislative division diaries all deadlines and is responsible for insuring that deadlines are met.

General counsel receives weekly progress reports from attorneys to whom the work is assigned.

A central office establishes firm due dates and maintains follow-ups to insure meeting the deadlines.

Those cases with deadlines are flagged and periodic checks are made. Others are allowed to run their normal course, since most officers respond within a month.

In twenty-five agencies the agency head or acting head signs the reports; in three agencies the deputy head, in five agencies an assistant head, in one agency an assistant to the head, in one agency the head or deputy head, and in one agency the general counsel.

Thirty-four agencies said they try to answer all requests for reports. Four said they are selective on the basis of such factors as the following: Likelihood of consideration; pressure of work; inability to agree; extent of pressure from the Bureau of the Budget or the committee; relative importance to the agency; ascertainment from committee staff whether it is necessary to submit a report when no action is expected; arrangements for committees to furnish information as to bills they expect to consider.

If requests for reports are still unanswered at the time the second regular session of Congress adjourns sine die, ten agencies go ahead and submit the reports anyhow, eight cancel the cases unless the committees specify that

they want the reports during adjournment, four make a determination on the basis of individual cases, three submit proposed reports to the Bureau of the Budget and let that agency decide whether to review them, two generally submit reports during adjournment but not always, two make individual determinations usually on the basis of informal contact with the committee staffs, two do not submit reports after adjournment, two inquire of the committees whether they still wish to receive the reports, one generally cancels the pending cases, one cancels unless there is a specific indication that the committee still wants a report or unless it is to the agency's advantage to have its position "firmed up," and one has not had occasion to face this question.

Miscellaneous procedures were described as follows:

One agency types reports in final form on duplimat, which can be used to make copies for use of the agency, the Bureau of the Budget, and Congress, thus eliminating the retyping of individual reports.

One agency uses a Stenofax machine to cut stencils electrically and states that this has resulted in quicker, more accurate, and more readable copies.

In one case a two-stage procedure has been found helpful in multilithing proposed reports. The agency multiliths at one time all copies needed both for Bureau of the Budget clearance procedure and for submission to the committee, but they assemble only the copies needed for clearance. After Bureau of the Budget clearance they add the appropriate paragraph by an over-stencil, make any other needed revisions, and assemble the report for submission to the committee and for general distribution.

One agency has developed model letters to be used as guides.

When a proposed report is submitted to the agency head for approval and transmittal to the Bureau of the Budget for advice, one agency gets clearance initials on the file copy of the proposed report, as well as on the file copy of the transmittal letter; and they state that this saves time when Bureau of the Budget advice is received.

Program units submit proposed reports to the legislative office in final form with all necessary clearances except those in the office of the agency head.

A rubber stamp is used, stating "no objection" advice from the Bureau of the Budget, on copies for internal use.

A briefing memorandum accompanies all important or involved reports.

Copies of proposed reports are sometimes sent to the Bureau of the Budget informally in advance of, or in place of, formal submission.

One agency obtains additional time for preparation of reports on enrolled bills by noting the final Congressional action early in the mornings following such action, then arranging for work to begin on the reports prior to receipt of the requests from the Bureau of the Budget.

This survey indicates that there are numerous differences in the procedures followed by the various departments and agencies in legislative reporting. There is a real need for a thorough study of these operations throughout the Government in order to obtain more uniformity and efficiency in carrying out this function, especially when it is remembered that this activity relates to thousands of cases each year with dozens of people involved in each case.

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